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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/197,441	11/23/1998	MICHAEL BEHAGEN	1521/1	1283

7590

01/15/2003

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EXAMINER

GRANT, CHRISTOPHER C

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/15/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

1111

Office Action Summary

Application No.

09/197,441

Applicant(s)

BEHAGEN ET AL.

Examiner

Christopher Grant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-19, 22, 27 and 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Ryzin.

Considering claim 18, Van Ryzin discloses a remote display device (10,8; figure 2) for remote interaction by a user with a main computer (2,14) being in communication with a main transmitter (20, 20a; figure 3) and a main receiver (28,28a), the main computer featuring a local video card (22) and the main computer featuring a local input port for receiving input instructions, the device comprising:

- a) a computer monitor (10) for receiving display signals directly from the local video card (22) through the main transmitter (20, 20a), the computer monitor inherently having a remote receiver (connected to the antenna) for receiving the display signals; and
- b) a remote input platform (8) for receiving input data from the user and for transmitting the input data to the main computer (10) through the main receiver (28,28a), the remote input platform featuring a remote transmitter for transmitting the input data to the main receiver;

such that the device (8,10) lacks a CPU* (as defined by Applicant) and such that only the main computer has a CPU and wherein the main computer, the computer monitor and the

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remote input platform in combination form a computer and wherein the computer monitor (10) and the remote input platform (8) are physically separable from the main computer.

*The term CPU is defined in Applicant's specification at page 5 (last paragraph) as follows:

"Hereinafter, the term CPU includes those portions of the computer which control the remainder of the computer, including those peripherals. As defined herein, the CPU includes the control unit and the arithmetic and logic unit (ALU), as well as other components such as memory and temporary buffers which are required for the operation of the control unit and the ALU. Other types of microprocessors or data processors are specifically excluded from the term CPU as herein defined".

Van Ryzin discloses that the remote input platform (8) comprises a CPU (8c) in figure 8. CPU (8c) processes keystrokes by coding them into ASCII for transmission to the main computer for decoding and/or translation (col. 6, lines 29-36). Van Ryzin's CPU (8c) **does not** control the remainder of the computer or other peripherals. CPU (8c) **does not** include a control unit or an ALU, or other components such as a memory and temporary buffers which are required for the operation of the control unit and the ALU. CPU (8c) falls into the category of "other types of microprocessors or data processors" that are specifically excluded from the term CPU (as defined by applicant).

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Claims 19 and 22 are met by RF transmission between the device (8,10) (comprising remote receiver) and the computer (2,14) (comprising main receiver) as described in col. 4, lines 8-54.

Claim 27 is met by remote input platform (8) that comprises a keyboard and touch pad.

Claim 30 is met by port (26) and/or bus (16) that receive data transmitted directly to the main computer.

Considering claim 31, Van Ryzin discloses a system for remote interaction with a user comprising:

a) a main computer (2,14) the main computer featuring a CPU, the main computer comprising

(i) a main transmitter (20,20a) for transmitting radiowaves (col. 4, lines 8-54);

(ii) a plurality of video cards (VGA card 22, TV tuner card (24), DVD card, CD card, additional tuner card etc. all connected to switch (18b) described at columns 4-5 and throughout the entire reference);

(iii) an operating system (col. 4, lines 1-7, col. 5, lines 54-67);

b) a computer monitor (10) for display signals from video card (22) through the main transmitter (20,20a) and featuring a remote radiowave receiver (connected to the antenna of 10), the computer monitor (10) lacking a CPU; and

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c) a remote input platform (8) for receiving input data from the user and for transmitting the input data to the main computer (10) through the main receiver (28,28a), the remote input platform featuring a remote radiowave transmitter for transmitting the input data to the main receiver, the remote input platform lacking a CPU* (as defined by Applicant).

*The term CPU is defined in Applicant's specification at page 5 (last paragraph) as follows:

"Hereinafter, the term CPU includes those portions of the computer which control the remainder of the computer, including those peripherals. As defined herein, the CPU includes the control unit and the arithmetic and logic unit (ALU), as well as other components such as memory and temporary buffers which are required for the operation of the control unit and the ALU. Other types of microprocessors or data processors are specifically excluded from the term CPU as herein defined".

Van Ryzin discloses that the remote input platform (8) comprises a CPU (8c) in figure 8. CPU (8c) processes keystrokes by coding them into ASCII for transmission to the main computer for decoding and/or translation (col. 6, lines 29-36). Van Ryzin's CPU (8c) **does not** control the remainder of the computer or other peripherals. CPU (8c) **does not** include a control unit or an ALU, or other components such as a memory and temporary buffers which are required for the operation of the control unit and the ALU. CPU (8c) falls into the category of "other types of microprocessors or data processors" that are specifically excluded from the term CPU (as defined by applicant).

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Claim 32 is met by local input device (4) having an input device port on PC board (14) and switch (see the entire reference including but not limited to col. 3, line 3, line 63 – col. 4, line 7 and col. 4, line 30- col. 5, line 28).

Claim 33 is met by main radiowave receiver (28, 28a).

Claim 34 is met by the switching between the local input and remote input described throughout the entire reference including but not limited to col. 3, line 3, line 63 – col. 4, line 7 and col. 4, line 30- col. 5, line 28.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin in view of Yen (of record).

Considering claims 20 and 23, Van Ryzin fails to specifically disclose radiowaves in a range of from about 2.4 GHz to about 5.8 GHz as recited in the claims.

In a strikingly similar system Yen teaches that remote computer displays should use a band around 2.4 GHz. In addition this band is considered to be an ISM band SP².

It would have been obvious to modify Van Ryzin's system, to include the frequency band of 2.4GHz to about 5.8 GHz, as taught by Yen, for the typical advantage of conforming to known practices and FCC regulations.

Claims 21 and 24 are met by the combined systems of Van Ryzin and Yen, wherein the 2.4GHz band is considered to be an ISM band SP².

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin and Phan et al. (of record)

Considering claim 25, Van Ryzin fails to specifically disclose a video expander for expanding the display signals as recited in the claim.

Phan discloses a wireless video receiver device comprising a video expander (28) for expanding the display signal. See figure 2B. Video signals are typically compressed before transmission (over a narrow transmission medium) and decompressed for proper display. Alternatively, video signals are compressed to increase transmission bandwidth.

It would have been obvious to one of ordinary skill in the art to modify Van Ryzin's system to include a video expander for expanding the display signal, as taught by Phan, for the typical advantage of expanding video signals that were transmitted compressed for proper display on a video screen or monitor.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin.

Considering claim 26, Van Ryzin fails to specifically disclose an audio amplifier or amplifying audio signals from the remote receiver as recited in the claim.

The Examiner takes Official Notice that it is notoriously well known in the art to have an audio amplifier and speaker associated with a computer monitor system for the advantage of providing audio output from audio-video or multimedia programs.

It would have been obvious to one of ordinary skill in the art to modify Van Ryzin's system to include an audio amplifier and a speaker for the typical advantage of providing audio output from audio-video or multimedia programs.

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin in view of Hare et al. (Hare) (6084638) (of record).

Considering claims 28 and 29, Van Ryzin fails to specifically disclose the remote input platform comprises a microphone and joystick port as recited in the claims.

In a strikingly similar system, Hare teaches the use of plural input devices (27a-d) and ports including a microphone, joystick and joystick port for the advantage of facilitating the user with various input devices to make selections (including voice commands). See the entire reference including but not limited to col. 6, line 64 - col. 7, line 20.

It would have been obvious to one of ordinary skill in the art to modify Van Ryzin's system to include microphone and joystick port, as taught by Hare for the advantage of facilitating the user with a system that is responsive to voice and/or joystick commands.

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Response to Arguments

8. Applicant's arguments with respect to claims 18-34 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Washington, D.C. 20231

on _____
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Typed or printed name of person signing this certificate:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
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Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Grant whose telephone number is (703) 305 4755.

The examiner can normally be reached on Monday-Friday 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872 9314 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Christopher Grant
Primary Examiner
Art Unit 2611



CG
January 12, 2003